

AMENDMENT

Serial Number: 09/690,051

Filing Date: October 16, 2000

Title: DEVICE AND METHOD FOR CONTINUOUSLY SHUFFLING AND MONITORING CARDS

Page 7

Dkt: PA0476.ap.US

Rejections Under 35 U.S.C. 102(b)

Claims 19 and 22-24 have been rejected under 35 U.S.C. 102(b) as anticipated by Lorber et al. (U.S. Patent No. 4,586,712).

Rejections Under 35 U.S.C. 103(a)

Claims 20 and 21 have been rejected under 35 U.S.C. 103(a) as unpatentable over Lorber et al.

RESPONSE TO THE REJECTIONS

Obviousness-Type Double Patenting

Claims 19-24 have been rejected under the judicially created doctrine of Obviousness-Type Double Patenting. In response to this rejection, a Terminal Disclaimer has been filed with this Amendment to remove the basis for this rejection. This rejection is now moot.

Rejections Under 35 U.S.C. 102(b)

Claims 19 and 22-24 have been rejected under 35 U.S.C. 102(b) as anticipated by Lorber et al. (U.S. Patent No. 4,586,712).

Claim 19 is recited as follows:

A method of substantially continuously resupplying randomly arranged cards, said method comprising the steps of:


providing a card receiver for receiving cards to be processed;

providing a single stack of card-receiving compartments generally adjacent to the card receiver and means for moving the stack relative to a card moving mechanism;

providing a card-moving mechanism between the card receiver and the stack and moving cards from the card receiver to the card-receiving compartments;

providing a second card receiver for receiving processed cards;

providing a second card moving mechanism for moving cards from the compartments to the second card receiver; and



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Page 8

Dkt: PA0476.ap.US

counting cards within specified areas within the card handler.

The rejection is in error as the highlighted language has not been interpreted properly. The rejection has interpreted this phrase as if it is the counting that is done within specified areas within the card handler, which would read on any type of card counting by the machine. However, the actual language means that cards within specified areas of the card handler are counted. This is a totally different function, and is a function not taught or suggested by Lorber. Lorber merely counts the cumulative number of cards that are moved through the machine. This is a function provided as such devices may be leased, with the lease based on the rate of utilization (which can be measured by the number of cards shuffled, which would be indicated in a "cumulative card count indicator."). Additionally, such a cumulative card count indicator may indicate a level of utilization when repairs might be needed. The system of Lorber does not count the number of cards placed in specific locations within the card handler. The rejection under 35 USC 102(b) is therefore in error. Applicants have submitted alternative claim language that emphasizes this difference even more sharply, without intending that the amendment cover any broader or narrower embodiment of the invention.

PROPOSED AMENDMENTS TO CLAIM TO ACCENTUATE THE DIFFERENCES:

If the Examiner does not feel that the present language of Claim adequately reflects the meaning that Applicants intend and believe is present in that language, the following language is suggested as an alternative.

A method of substantially continuously resupplying randomly arranged cards, said method comprising the steps of:

providing a card receiver for receiving cards to be processed;

providing a single stack of card-receiving compartments generally adjacent to the card receiver and means for moving the stack relative to a card moving mechanism;

providing a card-moving mechanism between the card receiver and the stack and moving cards from the card receiver to the card-receiving compartments;

providing a second card receiver for receiving processed cards;
providing a second card moving mechanism for moving cards from the compartments to the second card receiver; and
counting **A NUMBER OF** cards **THAT ARE PRESENT** within specified areas within the card handler. **[THE BASIS FOR THIS DIFFERENCE IS THAT LORBER SHOWS ONLY “a cumulative card count indicator 142” ON COLUMN 6, LINES 23-24; THE EXAMINER IS READING THE CLAIM AS IF THE CARDS MAY BE COUNTED ANYWHERE IN THE SHUFFLER, RATHER THAN AT A SPECIFIC LOCATION IN THE SHUFLER. THE SAME NUMBER 142 IS ALSO LATER INDICATED (COLUMN 8, LINES 42-46) AS A CARD CONTAINER, BUT AS SHOWN IN FIGURE 1, IT APPEARS TO BE AN LED DISPLAY OR COUNT INDICATOR, NOT A COUNTER.**

Rejections Under 35 U.S.C. 103(a)

Claims 20 and 21 have been rejected under 35 U.S.C. 103(a) as unpatentable over Lorber at al.

This rejection is in error for the same reasons given above in the discussion of the rejection under 35 U.S.C. 102(b). The statement in the rejection that:

“It would have been obvious to one having ordinary skill in the art at the time the invention was made that Lorber counting occurs in different places and the selection and designation of cards is control [*sic*, controlled] by the count indicator...”

is not a defensible assertion and no such teaching is shown in Lorber. Lorber merely shows a cumulative total of the number of cards run through the machine. If any sensor or counting device were placed in the machine according to the teachings of Lorber, it would still do no more than provide a cumulative count of cards run by a specific position, and that position must be where all of the cards pass. To enable counting of cards that are **present at a specific location within the card handler**, all of the cards cannot be counted or they would not be shuffled. That would destroy the function of the present device and destroy the cumulative card count taught by Lorber. It is not obvious to modify an apparatus so that the intended purpose of the prior art is

AMENDMENT

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Page 10

Dkt: PA0476.ap.US

destroyed without motivation by teachings in the prior art that a specific function would be an improvement over the original teaching. Such a motivation is absent in the rejection of record.

Basis for Patentability in New Claims 41-56

In addition to the numerous features in Claim 19 that denote novelty and unobviousness, these claims add specific features and steps whereby:

- a) compartments are capable of receiving more than one card during operation, while Lorber allows for and can provide only one card to be present within each compartment.
- b) Claim 43 recites "...receive instructions from an apparatus user to initiate a card counting process to count cards within a specified area of the apparatus..."
- c) Claim 44 recites "...receiving an indication from the at least one sensor for sensing the presence of a card as the card is being removed from the shuffling chamber as an indication of current card count status within the apparatus on the visual display."
- d) Claim 48 recites "...an unloading method is randomly selected from a plurality of preprogrammed unloading methods..."
- e) Claim 49 recites "...the microprocessor is programmed to unload a predetermined number of compartments as each of the compartments receives a minimum number of cards in excess of one..."
- f) Claims 50 and 54 recite "...the predetermined number of compartments is four, and the minimum number of cards is 6..."
- g) Claim 52 recites "...as each of the preselected compartments receives a predetermined minimum number of cards, each preselected compartment unloads..."
- h) Claim 53 recites "...the device is programmed to begin unloading compartments after all but a predetermined number of compartments has received a minimum predetermined number of cards, and as each



AMENDMENT

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Title: DEVICE AND METHOD FOR CONTINUOUSLY SHUFFLING AND MONITORING CARDS

Page 11

Dkt: PA0476.ap.US

predetermined compartment receives a predetermined minimum number of cards..."

- i) Claim 55 recites "...counting each number of cards that has been moved to more than one specified area within the card handler..."

CONCLUSION

The rejections of record have been shown to be in error and the new claims have been shown to be patentable over the art of record. All claims should be allowed.

If necessary please charge any additional fees or credit overpayment to Deposit Account No. 50-1391.

Respectfully submitted,

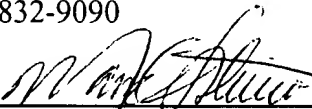
ATTILA GRAUZER ET AL.

By their Representatives,

Mark A. Litman & Associates, P.A.
York Business Center, Suite 205
3209 West 76th Street
Edina, MN 55435
(952) 832-9090

Date: 29 MARCH 2002

By



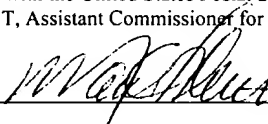
Mark A. Litman

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I hereby certify that this paper or fee is being deposited with the United States Postal Service with first class mail postage prepaid on the date indicated above and is addressed to Box AMENDMENT, Assistant Commissioner for Patents, Washington, D.C. 20231.

Printed Name: Mark A. Litman

Signature



Mailing Date: 31 ²¹ / 2001

